UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,540	06/23/2003	Kamel Shaath	38898-190334	5766

26694	7590	09/06/2005

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20045-9998

EXAMINER
NGUYEN, HIEP T

ART UNIT	PAPER NUMBER
2187	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/600,540	SHAATH ET AL.
	Examiner	**Art Unit**	
	Hiep T. Nguyen	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>36-66</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>36-66</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20050901

DETAILED ACTION

1. This Office Action is a response to the amendment filed June 23, 2005. Claims 1-35 have been

canceled by the applicant. Claims 35-65 and newly added claim 66 are pending in the

application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

3. Claims 36-37, 39-43, 46-47, 49-53, 56-57, 59-63, and 66 are rejected under 35 U.S.C. 102(b) as

being anticipated by Orita, U.S. Patent No. 5,163,147.

(a) <u>As per claim 36</u>: Orita teaches [figure 3] a method of applying an operation access

privilege [12a; col. 4, lines 54] to at least a logical portion [user files within memory

portion 12f] of a logical storage medium (12) in communication with a computer (11), the

method comprising the steps of:

   i. Providing an operation access privilege indicative of at least one of an enabled

operation and/or restricted operation to be performed on at least one logical

portion of a logical storage medium [col. 4, lines 54-62];

   ii. Associating said operation access privilege with at least one logical portion of

said logical storage medium [see again col. 4, lines 54-62];

   iii. Intercepting in a trap layer an attempted operation on said a least one logical

portion identified by at least one data identifier col. 4, lines 51-55]; and

   iv. At least one of allowing said attempted operation if matching said enabled

operation, and/or denying said attempted operation if matching said restricted

operation [col. 4, lines 66-68].

(b) <u>As per claim 37</u>: Orita further teaches that his logical portion of said storage medium is a file [see again col. 4m lines 54-68].

(c) <u>As per claim 39</u>: Orita further teaches that his at least one data identifier is a file name [see figure 5].

(d) <u>As per claim 40</u>: Orita further teaches that his operation comprises at least one of the reading, deletion, and modification, or the like [see col. 4, lines 61-62].

(e) <u>As per claims 41 and 42</u>: Orita further teaches the step of applying a plurality of operation access privilege to said at least one data identifier or the logical portion of the storage medium [se col. 4, line 60 through col. 5, line 7].

(f) <u>As per claim 43</u>: the further claimed limitation is also taught by Orita since the storage portion 12F is a logical portion of another logical storage medium (12).

(g) <u>As per claim 66</u>: the further claimed limitation of "wherein said operation access privilege comprises a file input/output (I/O) operation access privilege" is also taught by Orita [see col. 4, lines 54-68].

(h) <u>As per claims 46-47, and 49-53</u>: the claimed system basically encompasses the necessarily elements for carrying out the corresponding steps of claims 36-37 and 39-43. Accordingly, claims 46-47 and 49-53 are also taught by Orita.

(i) <u>As per claims 56-57 and 59-63</u>: the claimed computer program product comprises basically logic for carrying out the corresponding steps in claims 36-37 and 39-43. Accordingly, Orita also anticipates claims 56-57 and 59-63.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 38, 44-45, 48, 54-55, 58, and 64-65 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Orita, as applied to claims 36, 46, and 56 above, and further in view of well

known features of which Official Notice is hereby taken.

   (a) <u>As per claims 38, 48 and 58</u>:

      i. Orita teaches a method as mentioned in the rejection of claim 36.

      ii. Orita, however, does not teaches that his logical portion of said storage medium

comprises an entire logical storage medium.

      iii. Applying operation access privilege to an entire storage medium has also been

known and commonly practiced in the pertinent art. Selecting a suitable amount

of memory space in a storage medium that need to be protected would have

been obvious one having ordinary skill in the art when the usage and/or the

application being used for the storage medium is changed.

      iv. Accordingly, it would have been obvious to one having ordinary skill in the

pertinent art to apply operation access privilege to the entire storage medium 12

of the Orita system when the application being used in the Orita system required

that the entire storage medium need to be protected.

   (b) <u>As per claims 44-45</u>:

      i. Orita teaches a method as mentioned in the rejection of clam 36.

      ii. Orita, however, does not explicitly teach that at least one of his data identifier is

associated with a free space portion or newly created data.

      iii. As well known the pertinent art at that each portion of the storage medium

whether or not the portion stores data, an identifier associated therewith is

necessary for locating such storage portion. Similarly, regardless of whether the

stored data is newly created or previously created, an identifier is necessary for

locating such data.

iv. Accordingly, it would have been obvious [if not already inherent in Orita] to one

having ordinary skill in the art at the time the invention was made to associate a

data identifier to a free space portion and/or newly created data in the Orita

storage medium simply because such identifier is necessary in locating the free

space and/or newly created data.

(c) As per claims 54-55, the claimed system comprises no more than the necessary

elements for carrying out the corresponding steps in the claims 44-45. Accordingly, the

claimed system is rejected for the same reason as set forth for claims 44-45.

(d) As per claims 64-65, the claimed computer program product comprises no more than the

necessary logic for carrying out the corresponding steps in the claims 44-45.

Accordingly, the claimed product is rejected for the same reason as set forth for claims

44-45.

Response to Arguments

6. Applicant's arguments with respect to claims 36-66 have been considered but are moot in view of

the new ground(s) of rejection. Although the arguments are moot in view of new ground of

rejection, but the following comments appear necessary.

(a) Applicant argued that "the trap layer's operation does not depend on validating a user or

the user's access privileges but rather on the operation access privilege settings only"

[Applicant's Remarks, page 10, paper filed 6/23/05].

(b) However, the claims do not support the argument since none of the claims recites that

the trap layer's operation depends on the operation of access privilege settings only.

Even if such "the trap layer's operation depends on the operation of access privilege

settings only " limitation is being claimed, it still would have been obvious to one having

ordinary skill in the art who is familiar with information protecting and has the teaching of

Orita in front of him or her, to come up with a system that applies only operation access

privileges. This is because it is no more than a matter of how many level of protections a

user wants and/or who should have access to the stored information. Obviously, when

there is no restriction of who should have access to the stored data, the protection level

regarding the user authentication obviously is no longer needed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

    (a) Cruess, et al., 4,890,223, teaches operation access privilege associated with a logical storage address.

    (b) Shurto, 5,572,675, teaches read/write access privileges associated with objects.

    (c) Pletcher, et al., 5,596,755, teaches memory system that has access privilege levels associated with memory segments.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T. Nguyen whose telephone number is (571) 272-4197. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
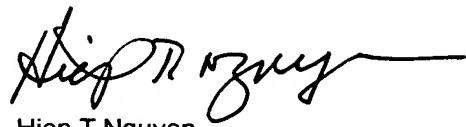
Hiep T Nguyen
Primary Examiner
Art Unit 2187

HTN